

197—10.15(534) Revocation of trust powers.

10.15(1) In addition to the other sanctions available, if, in the opinion of the superintendent, an association is unlawfully or unsoundly exercising, or has unlawfully or unsoundly exercised, or has failed for a period of five consecutive years to exercise, the powers granted by this rule or otherwise fails or has failed to comply with the requirements of this rule, the superintendent may issue and serve upon the association a notice of intent to revoke the authority of the association to exercise the powers granted by this rule. The notice shall contain a statement of the facts constituting the alleged unlawful or unsound exercise of powers, or failure to exercise powers, or failure to comply, and shall fix a time and place at which a hearing will be held to determine whether an order revoking authority to exercise these powers should be issued against the association.

10.15(2) The hearing shall be conducted in accordance with the provisions of Iowa Code chapter 17A.

10.15(3) Unless the association so served shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the revocation order. In the event of such consent or if, upon the record made at any hearing, the superintendent shall find that any allegation specified in the notice of charges has been established, the superintendent may issue and serve upon the association an order prohibiting it from accepting any new or additional trust accounts and revoking authority to exercise any and all powers granted by this rule except that the order shall permit the association to continue to service all previously accepted trust accounts pending their expeditious divestiture or termination.

10.15(4) A revocation order shall become effective not earlier than the expiration of 30 days after service of the order upon the association so served (except in the case of a revocation order issued upon consent, which shall become effective at the time specified therein), and shall remain effective and enforceable, except to the extent as it is stayed, modified, terminated, or set aside by action of the superintendent or a reviewing court.